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**From:** Keigwin, Richard [Keigwin.Richard@epa.gov]  
**Sent:** 3/11/2019 11:06:02 AM  
**To:** Wittenberg, Nicholas [wittenberg.nicholas@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]  
**CC:** Messina, Edward [Messina.Edward@epa.gov]; Barber, Delores [barber.delores@epa.gov]; Syed, Hamaad [Syed.Hamaad@epa.gov]; Ingram, Earl [Ingram.Earl@epa.gov]; Furlow, Calvin [Furlow.Calvin@epa.gov]  
**Subject:** RE: OCSPP - Equity Notification - Consultation from Fish and Wildlife Service - EPA-HQ-2018-008773

I didn't see any concerns with the documents identified in this production batch. A large percentage of the pages are redacted; most others are either documents that are already in the public domain and/or are email exchanges in preparation for an ESA workshop.

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**From:** Wittenberg, Nicholas  
**Sent:** Wednesday, March 06, 2019 6:07 PM  
**To:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>  
**Cc:** Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Barber, Delores <barber.delores@epa.gov>; Syed, Hamaad <Syed.Hamaad@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Furlow, Calvin <Furlow.Calvin@epa.gov>  
**Subject:** OCSPP - Equity Notification - Consultation from Fish and Wildlife Service - EPA-HQ-2018-008773

Good Afternoon Charlotte, Nancy, and Erik,

Before we send out the Awareness Notification Email under the new guidelines as detailed in the FOIA Efficiency Memo we are sending this OCSPP Equity Notification Email.

The FWS redaction codes are in red and EPA's are in black.

This FOIA originated from the Center for Biological Diversity (CBD) from its requestor Margaret Townsend who filed the request with Fish and Wildlife Service (FWS).

In FWS's review they came across documents that had EPA custodians. Please note that this request is currently the subject of litigation, *CBD v. FWS, EPA* (1:18-cv- 00342).

In part of the Consultation Process they have reached out to OPP to review the documents before they are posted.

This is the **third consultation** for this matter.

I have attached the FOIA from CBD as well as the Consultation Request from FWS for your review.

Please note, in the production link, some of the redactions have been made by OPP and others have been made by FWS.

**I. Scope of the Request:**

“The Center requests the following records from the U.S. Fish & Wildlife Service (“FWS”):

1. All records mentioning, including, and/or referencing the draft and/or final biological evaluation of chlorpyrifos under the Endangered Species Act, 16 U.S.C. §§ 1531-1544 (“ESA”);
2. All records mentioning, including, and/or referencing the draft and/or final biological evaluation of malathion under the ESA;

3. All records mentioning, including, and/or referencing the draft and/or final biological evaluation of diazinon under the ESA;
4. All records mentioning, including, and/or referencing the draft and/or final biological evaluation of carbaryl under the ESA;
5. All records mentioning, including, and/or referencing the draft and/or final biological evaluation of methomyl under the ESA;
6. All records mentioning, including, and/or referencing the draft and/or final biological opinion of chlorpyrifos under the ESA;
7. All records mentioning, including, and/or referencing the draft and/or final biological opinion of malathion under the ESA;
8. All records mentioning, including, and/or referencing the draft and/or final biological opinion of diazinon under ESA; and

Please note that this portion of the request (Items #1-8) does not apply to documents found online or under the docket EPA-HQ-OPP-2016-0167.

9. All draft and/or final maps, digital, print or otherwise, including Geographic Information System ("GIS") data therein, regarding the location of every threatened and/or endangered species for all domestic species (U.S. States and territories) prepared by FWS from January 1, 2013 to the date of this search.

Please note that this portion of the request does not apply to:

1. Species where FWS believes in good faith that the release of such data would lead to an increase in poaching or collecting of such species;
2. Records found online; or
3. Records held under the docket EPA-HQ-OPP-2016-0167."

## **II. Description of the Production:**

This proposed production includes **77 documents** that were sent over to us by FWS, with a total of **371 pages**.

Please find the link below for the production:

[https://usepa-my.sharepoint.com/:b:/r/personal/wittenberg\\_nicholas\\_epa\\_gov/Documents/EPA-HQ-2018-008773-%20Consult%20w%20EPA 77%20docs 371%20pages Combined%20Redacted.pdf?csf=1&e=sPGcLb](https://usepa-my.sharepoint.com/:b:/r/personal/wittenberg_nicholas_epa_gov/Documents/EPA-HQ-2018-008773-%20Consult%20w%20EPA%2077%20docs%20371%20pages%20Combined%20Redacted.pdf?csf=1&e=sPGcLb)

## **III. Deadline for Review:**

This matter is scheduled for production on **01/12/2019**. Thus, we will need to send the Awareness Notification Email out on **01/15/2019**.

Please let me know if there are any questions.

All the best,  
Nick

Nicholas Wittenberg  
Attorney-Advisor  
United States Environmental Protection Agency  
Office of Pesticide Programs  
Information Technology & Resources Management Division  
Public Information & Records Integrity Branch

1200 Pennsylvania Avenue, NW (MC 7502P)

Washington, D.C. 20460

Phone: (703) 347-8875

Email: [wittenberg.nicholas@epa.gov](mailto:wittenberg.nicholas@epa.gov)